

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**August 10, 2009
Acton Town Hall
Francis Faulkner Hearing Room
7:00 P.M.**

SPECIAL EXECUTIVE SESSION AT 6:00 P.M. TO 7:00 P.M.
Room 121

Present: Paulina Knibbe, Peter Berry, Lauren Rosenzweig, Terra Friedrichs and Mike Gowing, Asst. Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

None

CHAIRPERSON'S UPDATE

Paulina reported on the policy workshop on health insurance and what possible options we have moving forward.

Town Manager reported on the Street Light program that we have implemented and have saved \$1,500.00 per month, which adds up to approximately \$18,000 per year.

OPERATIONAL MINUTE

Steve wanted to let the Board know we have been drafting the Shuttle Transportation materials regarding South Acton Station, Town Counsel is reviewing. He outlined the options.

PUBLIC HEARINGS & APPOINTMENTS**APPLICATION FOR SPECIAL USE PERMIT, JULIE'S PLACE, 208A MAIN STREET**

Lauren said Julie's Place is an existing restaurant currently serving breakfast and lunch. There is a space next to Julie's that is now vacant and has relocated elsewhere in Acton. Julie Saganich hopes to expand her business in the vacant store. There are no changes on the facade and she needed to come before the Board because of her increase of seats. Lauren asked about the hours. They will be 10:00 a.m. to 11:00 P.M. the hours indicated with the Liquor License previously voted.

There were no comments/objections from the public.

LAUREN ROSENZWIEG - Moved to close the public hearing. TERRA FRIEDRICHS – second.
UNANIMOUS VOTE.

Lauren noted the draft decision had been prepared and asked if the Board had had a chance to review the conditions. PAULINA KNIBBE – Moved to grant the Special Use Permit. MICHAEL GOWING – second. UNANIMOUS VOTE

DESIGN REVIEW BOARD OVERSIGHT MEETING

The committee gave a slide presentation outlining their projects. Goals are to help Acton be the best it can be and work to take it to Phase II. They want to work with Planning about parking areas and reduction of pavement.

Representatives of TD BANK commented on their experience working with the Town and Design Review Board. This is an exciting project and will be presenting to the Town in the near future.

Peter asked about the costs to developers.

Terra noted that value was important. She would like to see a stronger Design Board with more teeth in it.

Paulina thanked them for the level of analysis. The DB will continue to move forward looking at commercial properties as they occur.

Lauren asked what their goals are for the coming year. Paulina said they need to continue to work on commercial buildings and thought parking would be under the Planning Board Lauren suggested that as part of the Comprehensive Community Plan, the community discuss the issue of the size, placement, type of pavement, and other design issues for parking lots.

ACHC OVERSIGHT MEETING

Nancy spoke about the membership challenge. They were successful in getting new members. They were here to update the Board on what they have been doing during the past year. They facilitate homes to people of low to moderate incomes—those who fall at the %80 or less of median income. They oversee the first time buyers and moderate units. Bob Van Meter feels that it is important to recognize the concept of sustainability. They just wanted the Board to know some of the highlights of what they have been doing. They dealt with Lalli Terrace and Towne School. They had a ready buyer list and now it has expired and they are discussing using people that have not won a lottery to make up this list. They have had 2 LIPS in 2008, Lalli Terrace and Towne School.

Peter thanked them for the work they do in Town.

Terra objects to the increase of \$8,000 that we charged to the buyer. She was concerned about using tax money that are not adding to below grade units and deed restricting units. Landscaping was done at Willow/Central and she noted we had to pay for something the developer should have paid for. She asked about the Mass Ave. house.

Mike thanked them for their wonderful job. He asked about how developers come forward. Nancy said that the Planning Dept. forwards to the ACHC.

Lauren thanked them and noted we have tried to work with developers using 40 B permits, and as a result have saved historic homes to maintain the character of existing neighborhoods, as well as encouraging the preferred Designs for housing identified in the To Live in Acton report.

Paulina thanked them for doing the small scale projects. She said she feels the Buy downs should be pursued.

ALG MATERIALS

Paulina spoke about the scenarios to look at the short falls for this year. They have three scenarios. State is giving us less in aid and our local revenues are lower than expected (Excise Tax) Scenario one is less risky, scenario 2 is considered risky funding FY10. Scenario three is most likely – it uses Cherry sheets and uses actual revenues and takes in to account the telecommunications overlay. The DOR requires a balanced budget-- in order to do that the DOR must see revenues and estimated spending as balanced. Tax title monies from Quail Ridge have been paid up and it shows in FY10, on July 2. We may need a special town meeting, but we will not know for sure until some of the other numbers come through.

Paulina asked about carrying of number three as the most likely scenario. Peter said that when the governor hit us with 9c he would like the schools to absorb their share. He also noted the Bldg. Dept fees, which would increase the Fees line item. He asked staff to give impact on services and how we will share the deficit.

Mr. Calendrella, Notre' Dame Road he said he heard that the schools had a \$900,000 surplus.

Mr. Ingram, Quabog Road – Can they have a date put on the ALG documents?

It is consensus that we will move forward with Scenario three.

BUILDING DEPARTMENT REQUEST TO RAISE FEES

Paulina spoke about the fee increase brought forward by Building Dept.

Paul Gaboury, 12 Assabet Crossing – spoke about the fee increases which will be a 600% increase in the last year and one half. He felt we should investigate the way the fee was established.

Peter noted Frank's memo to value the costs of conservation and all the departments and Town Counsel reviews.

Terra thinks it great to move to full costing fees. Mike and Terra agreed that it should cover costs and if we agree to the suggested increase immediately or in steps or after a yearly review of the fees.

Lauren said we have been undercharging and this proposed increase brings it current and in line with the other towns.

Paulina said we need to review and thinks we need to cover our costs in every department and feels we could go to \$12.00 for this and then up to the \$14.25 next year.

PAULINA KNIBBE – Moved to increase fee increase at \$12.00 effective Sept. 1st, LAUREN ROSENZWEIG – second. Herman gave them an up date of what the Fin Com feels. Fin Com wondered why this the first time in memory that we did full absorption costing. They wanted the fee reserves to be reviewed each year.

Lauren made a friendly amendment that the fees be reviewed annually. Peter said that we adopt the more current building evaluation guide lines used as a base for costing new construction and minimum fees be raised to \$55.00 for one inspection and \$75.00. 3-2 Vote, Mike and Terra, Nay MOTION CARRIES

TRANSFER STATION REQUEST TO RAISE FEES

Steve outlined the need for a \$10.00 fee increase, but then noted that we earned \$58,000 in interest and we do not need to increase the fee this year. PAULINA KNIBBE – Moved to continue fees at current rate. MICHAEL GOWING – second. UNANIMOUS VOTE

SELECTMEN'S BUSINESS

Pauline spoke about the Board of Selectmen Committee Handbook. The Board was pleased with the Handbook and felt it will be very helpful.

Terra asked about fast tracking Application, Paulina noted it was in there. Peter will e-mail the comments to Paulina and it is a good and helpful document for those who serve on Boards.

GREEN COMMUNITIES GRANT PROGRAM

Paulina updated the Board on the Grant. They will have a series of funds available over the next few years for Green Communities. To qualify for the assistance the town needs to have a commitment for 5 items. We will not be able to have the training if we don't meet the criteria. EDC felt we should hold off until we have all the information. Paulina feels that there are two key services they would offer such as technical review of the town building's carbon foot print. The second is information and possible presentations that the State might come out to give a presentation.

Terra noted that we have a review on things like this before we move forward. She wanted to know if we can write a letter with an out included.

LAUREN ROSENZWEIG – Moved that we submit the information and that we indicate in our letter that for each criteria we are anxious for technical assistance from them to help us make a decision on moving forward. MICHAEL GOWING –second UNANIMOUS VOTE

SELECTMEN'S REPORTS

Special Use Permit, Joseph Motzi, 59 Great Road request to remove condition. PAULINA KNIBBE – Moved to remove the condition relating to the chain link fence as it is owned by the State from his Special Use Permit decision. PETER BERRY – second. UNANIMOUS VOTE

Terra reported the meeting with Planning.
She noted that people did not want another land group.

Mike spoke about Cable and noted they have incorporated and they are now ACAT, and they pulled together capital and operating budget and will be sitting down with Comcast.

Lauren spoke about SAC and has invited people from Spencer/Tuttle; they will be discussing the draft charge to the Board. She wants a committee to come up with affordable alternatives.

Lauren spoke about her attendance at MAGIC. Our rail trails have made it to the State list. With regard to Concord Rotary and Crosby Corner, they will address the Rotary project once Crosby Corner is finished.

Comprehensive Community Plan is forming again and will meet to narrow the scope.

Peter noted the Train Station plan and that the State has identified their TIP and Stimulus money is available for double tracking from Ayer. They will be meeting with Paul Hadley.

Peter noted CPC and the process of coming before the town with regard to CPC project and would like to have the process begin earlier so that it is not rushed.

OTHER BUSINESS

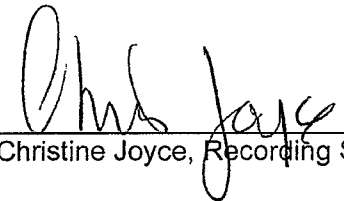
None


CONSENT

Hold #26 until our next meeting

LAUREN ROSENZWEIG – Moved to approve the Consent Agenda. MICHAEL GOWING – second UNANIMOUS VOTE

EXECUTIVE SESSION


Christine Joyce, Recording Secty


Clerk
Date: October 19, 2009

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Hearing Room

AUGUST 10, 2009

Executive Session to begin at 6:00 PM Room 121

6:00 – 7:00 EXECUTIVE SESSION – DISCUSS COLLECTIVE BARGAINING

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. **7:05 CHAIRMAN'S UPDATE**
 The Chair will briefly update the Board on Topics of interest
2. **7:10 OPERATIONAL MINUTE**
 The Town Manager will provide a brief report on topics of interest
3. **7:25 AMBER HILL, BETSY BALL SCHOLARSHIP AWARD**
 ISSUE: Ms. Hill will be attending to accept her Scholarship
4. **7:30 RICHARD GEDRICK, BETSY BALL SCHOLARSHIP AWARD**
 ISSUE: Mr. Gedrick will be attending to accept his Scholarship
5. **7:35 SPECIAL USE PERMIT, #6/15/09-421, 208 A/B MAIN STREET,
 JULIE'S PLACE EXPANSION REQUEST (ROSENZWEIG)**
 ISSUE: Approval of Special Use Permit for Julie's Place to expand
 into the former Daniela's Cantina at 208B Main Street
6. **7:50 DESIGN REVIEW BOARD ANNUAL OVERSIGHT MEETING**
 ISSUE: Annual Oversight Meeting
7. **8:20 ACTON COMMUNITY HOUSING CORP. (ACHC) ANNUAL
 OVERSIGHT MEETING**
 ISSUE: Annual Oversight Meeting

III. SELECTMEN'S BUSINESS

8. **ALG DISCUSSION**
 Enclosed please find materials in the subject regard
9. **FEE INCREASE REQUEST, BUILDING DEPARTMENT**
 Enclosed please find materials in the subject regard

10. **FEE INCREASE REQUEST, TRANSFER STATION FEES**
Enclosed please find materials in the subject regard
11. **BOARD OF SELECTMEN COMMITTEE HANDBOOK**
Enclosed please find materials in the subject regard
12. **SELECTMEN'S REPORTS**
Update on Committees and meetings attended
13. **DRAFT LETTER, GREEN COMMUNITY GRANT PROGRAM**
Enclosed please find materials in the subject regard
14. **OTHER BUSINESS**

IV. CONSENT AGENDA

15. **ACCEPT MINUTES, BOARD OF SELECTMEN, MAY 18, JUNE 8 & 22
JULY 13**
Enclosed please find materials in the subject regard, for Board consideration
16. **VOTE TO AUTHORIZE THE TOWN MANAGER TO SIGN THE INTER MUNICIPAL
AGREEMENT FOR THE ADVANCEMENT OF THE BRUCE FREEMAN RAIL TRAIL**
Enclosed please find materials in the subject regard
17. **VOTE TO AUTHORIZE THE TOWN MANAGER TO SIGN THE INTER MUNICIPAL
AGREEMENT FOR PUBLIC HEALTH MUTUAL AID WITH THE TOWN OF CONCORD**
Enclosed please find materials in the subject regard
18. **COMMITTEE APPOINTMENT, MICHAEL KREUZE, VOTING ASSOCIATE MEMBER OF
THE BOARD OF HEALTH, TERM TO EXPIRE 6/30/12**
Enclosed please find materials in the subject regard
19. **ONE DAY LIQUOR LICENSE REQUEST, IBM OUTING AT NARA PARK**
Enclosed please find materials in the subject regard
20. **ONE DAY LIQUOR LICENSE REQUEST, MICROSOFT, FOR AN OUTING
AT NARA PARK**
Enclosed please find materials in the subject regard
21. **ONE DAY LIQUOR LICENSE REQUEST, IRON WORK FARM, INC., 128
MAIN STREET**
Enclosed please find materials in the subject regard

22. ONE DAY LIQUOR LICENSE REQUEST, FAMILY REUNION AT NARA PARK

Enclosed please find materials in the subject regard

23. ACCEPT GIFT, ACTON PUBLIC HEALTH NURSING SERVICE

Enclosed please find a gift of \$273.00 from donations made in Rita Dolan's memory for Board consideration

24. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$525.00 from Life Care Center, Acton to be used to fund pony rides at Acton Day, for Board consideration

25. DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY

Enclosed please find a request to dispose of materials

26. VARNUM TUTTLE TRUST, CONFIDENTIAL REQUEST FOR FUNDS

Enclosed please find confidential materials in the subject regard

V. EXECUTIVE SESSION

There will be need of an Executive Session which will be from 6:00 – 7:00 p.m. to discuss Collective Bargaining negotiations.

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda.

AUGUST 24 SEPT.14 & 21 OCT. 5 & 19 NOV 28 & 16

MINUTES PENDING VOTES

May 18 and June 8 & 22, July 13 & 27, August 5

PENDING COMMITTEE APPOINTMENTS

Michael Kreuze, BOH His application in on for this meeting.

Dore' Hunter - CPC, Application has been sent to VCC for interview

Ronald Rose – Historic District Commission, Design Review – his application has been sent to VCC for interview

David Baratt, Application for Historical Commission has been forwarded to VCC for an interview

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**August 24, 2009
Acton Town Hall
Francis Faulkner Hearing Room
7:00 P.M.**

SPECIAL EXECUTIVE SESSION AT 6:00 P.M. TO 7:00 P.M. Room 126

Present: Paulina Knibbe, Peter Berry, Lauren Rosenzweig, Terra Friedrichs late for Executive Session 6:40 p.m. and Mike Gowing, Asst. Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

None

CHAIRPERSON'S UPDATE

Spoke about Exchange Hall renovations and Farmer's Market

OPERATIONAL MINUTE

Steve reported on Senior Center new carpet and flooring that are now in place

PUBLIC HEARINGS & APPOINTMENTS

TRANSPORTATION ADVISORY COMMITTEE – SOUTH ACTON COMMUTER TRAIN STATION CONCERNSCANCELLED MEETING****

HISTORIC DISTRICT COMMISSION OVERSIGHT MEETING

Michaela presented a slide show of the issues HDC are addressing. Michaela would like to be able to educate a staff person at town hall to speak face-to-face with people who come into Town Hall with proposals or questions regarding properties in the Historic Districts. Peter pointed out that he is a new liaison to this committee. Peter asked about scanning of materials in DocuShare. Michaela currently scans in documents and as Administrator she can change the names of the files to better reflect the applicant's submittal. Peter spoke about the use of Town Counsel and felt they are using more in relation to other statutory boards in town. It appears to be higher or more excessive. Michaela said for years use had been less than minimal in relation to the amount of value the HDC brings to town. Peter said that HDC should have the same sort of regulations like other boards, and maybe we can look at a more efficient use of Counsel. Peter said the information meetings are helpful. Terra said that she wanted to speak as a West Acton citizen and not as a board member with feedback about the costs and misunderstandings with HDC. Lauren said she has seen a lot of improvements and they are currently addressing the issues. Michaela was asked what the HDC does if someone will not comply. She was also asked what determines if a public hearing is needed. Michaela said a

hearing is required if it is a significant change. More details about what is under their jurisdiction, and what requires a public hearing is on their HDC Website. Lauren asked about whether the Commission will be pursuing a demolition-by-neglect bylaw this year for Town Meeting. Michaela indicated that instead of a bylaw they will be doing education around issues of historic preservation and the importance of maintaining historic structures so they don't get neglected. Education will include tools available to communities in regards to "demolition by neglect".

Mike asked about meeting schedule and appeal process. If anyone is aggrieved they must file within 20 days to have review with MAPC. If not satisfied with the outcome they can go to Superior Court.

Paulina asked Michaela to please send us before and after changes in the regulations so we can see what the changes were. She was also concerned with the amount of legal monies that have been spent. With regard for need of staff and different types of help from existing staff, the Board directed the Town Manager to see what assistance could be given to them within the existing limited resources. Michaela will forward the regulations showing the changes that they made this past year.

Peter noted to the Town Manager to consider more staff help to the HDC in the FY 11 budget.

LEO BERTOLAMI, 56 & 60 POWDER MILL ROAD SITE PLAN DISCUSISON

Paulina gave an overview of what they are considering on this issue. Mr. Bertolami has been asking for amendments over the years and has had three Amendments, and noted he is out of compliance now yet still he is asking for additional amendments. He wanted to go through the decision and Paulina said he had already received their decision in the form of his site plan decision. He wanted a set of stairs between the two lots. They voted against it because of the fire issues. He felt it helped with the project. Paulina noted that the ramp be installed later in accordance with the filled Site Plan, Third Amendment, and that he will put a Historical Restriction Covenant on the Doll House property at 56 Powder Mill. Items 3.3.4., 3.3.5 and 3.3.6 are all answered in Fire Chief's letter except for 3.3.5 a portion that needs to be striped. Paulina said ramp, striping and historical restriction on the Doll House are the issues he has now. Paulina explained what he wants under 3.3.2 written covenant about the ramp. Terra said that given that the fire lanes and hydrant and doll house is moved she feels the ramp is overkill and the stairs will be fine.

Lauren asked about handicapped access—if there are stairs does another pedestrian ramp need to be provided right there for disabled persons or is the sidewalk access sufficient? No answer was available. Lauren's preference was to reserve the space for the fire ramp and in the future it will get discussed when we look at the adjusted plan for the adjacent parcel.

Peter asked if Mr. Bertolami was going to tear down the Doll House once he gets what he wants with regard to this site.

The question is now do we vote it in or out. Mike said the requirement for the ramp should be done, the Doll House notwithstanding he does not know the terms of the agreement, he felt the ramp would make it more user friendly instead of the steps. Paulina said 3 selectmen want the ramp and 2 do not want the ramp-- is the requirement now or when the adjacent property is developed. She wants it written in now. Paulina said the ramp is about safety and the Fire Chief says we need it and will not trade off on a safety issue.

Given that the sense of the Board, PAULINA KNIBBE – Moved to re-support the existing condition that says we want the covenant in recordable form as we did last year 3.3.3. TERRA FRIEDRICHS - second Terra asked if she could make a friendly amendment that the requirement for a ramp goes away if the deed restrictions are filed. Paulina said she rejects the friendly amendment. 3- 2 – Lauren, no, Terra Abstained. Motion Passes 3-2

Paulina said we want the deed covenant filed and the ramp built at a later date and suggested we add 30 days and make it to Sept 30, 2009. It was also noted that he missed the recording date with the registry and will have to have it filed. December 1, 2009.

56 Powder Mill Road, Paulina asked about a stay on the demolition of the Doll House. Mr. Bertolami agreed to additional 90 days which will bring it up to December.

Victoria Byer spoke about the doll house and she can't remember if he has filed for demolition permit. The permit was applied for and the waiting time is up late September of this year as he filed in January 09, they have not found someone to move the house at this time. Historical Commission was asked to try to find some one to move it if they could. Terra suggested we ask for private donations to move the house in lieu of demolition.

Remaining issue is the striping at the far point of the Ramp. The striping will call out the area for the potential ramp. He agreed with the lines and he will put them in.

Scott Mutch asked about the recording and it should be by September 30th for the Covenant. 3.3.3 Doll House.

LAUREN ROSENZWEIG - Moved that the BOS is willing to remove the condition in the permit that required him to have a historic perseveration Covenant placed on 56 Powder Mill if he signs letter that the he will postpone demolition for 90 days. No second.

LAUREN ROSENZWEIG - Move that we remove the condition that we have a Restrictive Historic covenant on the doll house and that he is to extend the demolition permit for 90 day to December 13, 2009, If an agreement is reached to extend the Demo for 90 days MICHAEL GOWING - .second – UNANIMOUS VOTE

Lauren suggested he go to the Design Review Board voluntarily in regard to the properties at 50, 56, and 60.

40B LIP FILING, 99 PARKER STREET

Mr. Dyer asked for the Board's support in this project. Peter asked about his application and wanted to know where the wetlands were on the project.

Lauren thanked them for being community friendly. She also thanked them for a win-win situation under the LIP filing. She however wanted them to buffer the site to protect the neighbors.

Terra wanted to be more conscious about the tax burden on existing residents when these are proposed

Mike thanked him for his veteran contribution—that he is planning to build one of the units for a returning disabled veteran. Paulina noted that as long as 40B exists we need to provide it and this project is more appropriately sized and styled. She is concerned about the wetlands, but if ConsCom is comfortable with what has been worked out, she is. Mr. Dyer said that they will continue to work with the Conservation Commission.

Rodger Klopff an abutter was concerned about the closeness to his property, and possible blasting of ledge. Mark Starr said they did not plan on blasting, but if needed they would go through the regulations for blasting, doing an existing house survey etc.

Looking for the Board to accept and send to the application to DCHD. PETER BERRY Moved to sign the LIP application for 99 Parker Street LAUREN ROSENZWEIG – second. 4-1 Terra NO, motion passes

670 MASSACHUSETTS AVE. DISPOSITION AGREEMENT

Steve gave an overview of the issue. Peter said he feels we not sign and we don't take title. It was noted we have to get in there to see how much will be needed to fix it. We will need to get Bank permission to go in. Peter said we need to take ACHC recommendation.

Mike said he agrees with ACHC recommendation.

Paulina said this was just about an inspection at this time. Nancy Tavernier noted the difficulty in getting the utilities turned on. ACHC said we can't do an adequate review unless we have water. If it goes to auction the deed restriction is lost. It remains affordable only if another qualified family buys it.

Paulina was concerned with moving houses out of affordable stock. Steve said he needs to come back with information. Lauren wanted to get an idea what the bank might do for us.

SELECTMEN'S REPORTS

Terra spoke about the Commission on Disability and that they want to do a town a survey of population to find out the needs of disabled persons in town. She has spoken to staff and it would cost \$1,600 to fund this as they cannot be put in the Census envelope and asked for potential turn back monies to fund this. Paulina asked that the COD come in and speak to this request.

Peter spoke about SA Commuter Train Station
HIT (Health Insurance Trust) is in holding pattern and they are analyzing data for next year,

Peter also spoke about the condition of the newly repaired Exchange Hall building on School Street and commented on the use of CPC funds to make this rehab possible.

Lauren attended Regional Transportation and MAGIC meeting and they have put our projects such as rail trails on the TIP list and the rotary will get money if there are any left over monies available. They had the wrap-up meeting of the Sewer Advisory Committee for Spencer Tuttle Flint. She presented the DRAFT charge for the new Committee and received feed back from members of the neighborhood as to suggested additions and changes. She will be bringing a

recommendation for the make up and charge for the new committee to a Board of Selectmen meeting in the near future.

Paulina gave an update on sidewalks and it looks like the High Street to Senior Center will proceed.

HISTORIC DISTRICT COMMISSION APPOINTMENTS

TERRA FRIEDRICHS – Moved to appoint Maya Minkin as full member and David Barrat as an Alternate. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

ALG MATERIALS

Paulina spoke about the issues of ALG, first is we have less revenue than predicted. The Town has been holding back on spending to build up and protect ourselves against a shortfall and the Town Manager has held expenditures, yet the revenues may not be sufficient for FY 10. They are looking at a way to address it. Do we have a special town meeting to reconcile the numbers, or reduce the regional assessment with funds that have come in, and we may not have to go to Town Meeting? Steve noted that the Schools could provide some monies and there are other questions out there as to how the AARA (federal stimulus) funds can be used at the schools to help their budget. Tax recap sheets must go the DOR to set the tax rate and it must balance, we need to have this done by early November. Lauren only wanted a fall meeting if necessary and asked that we meet with the school to see how we can meet the shortfall. Peter agreed with Lauren and Mike and Terra also agreed.

WRAC DISCUSSION OF MISSION TO ADDRESS STORM WATER ISSUES

Lauren spoke about the issue. Doug Halley said that each year the DEP looks to have communities closer to compliance. We have been working toward complying with all the requirements, but we do not yet have a town bylaw regulating Storm water Management. Nearby towns have been fined. We need to address this as soon as possible. The Water Resources Advisory Committee has high interest in water recharge and other storm water issues and they would be a good committee to bring this forward. Sample bylaws and regulations are available. Paulina also felt WRAC is capable to address this issue. Ron Beck asked how they would move this forward. He was directed to look over the sample bylaws and other Town's bylaws to and adjust them to find the best fit for Acton. He was asked to report back to the BOS. It was suggested he meet with Doug Halley the Health Director to get the details. LAUREN ROSENZWEIG – Moved that we change the charge of WRAC until April Town Meeting 4/10 to address storm water compliance, rules regulations and bylaws. PETER BERRY - second UNANIMOUS VOTE

DRAFT AGENDA, SEWER POLICY MEETING

Paulina asked the Board to review it and e-mail her any comments.

40B MARSH VIEW, RICHARDSON CROSSING, REQUEST FOR BOARD LETTERS TO BOARD OF APPEALS

Peter noted that this application goes to the BOA and they have a hearing on Sept. 18th. We have been asked to submit a letter to BOA in support the project. Board members expressed that they had not read the materials or seen the plans. Lauren said she had looked at the plans in the Building Department.

Lauren encouraged them to come through the Local LIP process in the future, and asked that the neighbors be shielded from impacts that might come from the new development. TERRA FRIEDRICHS – Moved to have them go to Design Board. No second, motion failed.

LAUREN ROSENZWEIG - Move to send letter to BOA that they take into consideration the neighborhood and that the back of the houses are screened from the street and maintain as many trees on the site, and that they address concerns as noted. 3-2 motion fails we will not write letter

SPENCER TUTTLE FLINT WASTEWATER TASK FORCE

Paulina noted she wanted to have it read differently to emphasize that they are addressing wastewater, and solutions to protect the environment regarding wastewater. Lauren said that they are trying to get a way from the term Wastewater and the DEP is stressing that they want the emphasis to be on protecting our water resources. Lauren is comfortable as it stands.

PETER BERRY – Moved to accept charge as noted with Change to "Wastewater" rather than Water Resources in the name of the Committee. TERRA FRIEDRICHS – second.

UNANIMOUS VOTE

OTHER BUSINESS

None

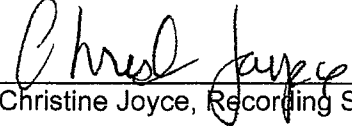
CONSENT

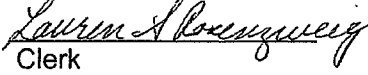
Terra held #15; felt that the meeting on July 27th was conducted inappropriately. She said that before the meeting was called to order in a loud enough fashion that the public could hear, two votes were taken. [Note: the first vote was to postpone an item of business until a regularly scheduled BoS meeting where the public could participate; the second was a routine matter that needed to be handled in a timely way]. Once those two votes were taken, the chair walked to the podium and began the Policy Workshop on Health Insurance by welcoming everyone loudly enough for everyone in the room to hear. The chair then started the Policy Workshop. Terra feels that the two votes were held in an "illegal" meeting. The minutes were changed to state Terra objected to the start of the July 27th meeting. Her objection is noted and we need to vote on the minutes of the July 27, and tonight's minutes will again reflect her concern about those minutes. Terra wanted it also noted that Mr. Ingram, a member of the audience was not allowed to speak about this issue. He was in attendance at the July 27th meeting as a member of the public.

LAUREN ROSENZWEIG – Moved to approve the Agenda items 16-24 PETER BERRY– second UNANIMOUS VOTE. The minutes of July 27th number 15 were voted. – 4-1 Terra No

EXECUTIVE SESSION

LAUREN ROSENZWEIG – Moved to open the Public Meeting go into Executive Session for the purpose of discussing Litigation and Collective Bargaining. Roll Call was taken, All Ayes and to adjourn to go into Regular Session at 7:00 in room 204


Christine Joyce, Recording Secty


Clerk
Date: October 19, 2009

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Hearing Room
AUGUST 24, 2009

EXECUTIVE SESSION 6:00 PM – 7:00 P.M.
ROOM 126

**6:00 EXECUTIVE SESSION, TO DISCUSS LITIGATION AND
UNION NEGOTIATION ISSUES**

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:05 CHAIRMAN'S UPDATE

The Chair will briefly update the Board on Topics of interest

2. 7:10 OPERATIONAL MINUTE

The Town Manager will provide a brief report on topics of interest

**3. 7:25 TRANSPORTATION ADVISORY COMMITTEE RE-SOUTH ACTON
COMMUTER PARKING PROBLEMS**

ISSUE: Annual Oversight Meeting please find materials in the
subject regard

4. 7:40 HISTORIC DISTRICT COMMISSION OVERSIGHT MEETING

ISSUE: Annual Oversight Meeting

**5. 8:25 LEO BERTOLAMI TO DISCUSS HIS SITE PLAN AT 60 POWDER
MILL ROAD**

ISSUE: Mr. Bertolami will be in to discuss the subject regard

6. 8:50 40B LIP FILING, 99 PARKER STREET

ISSUE: LIP application presentation to the BOS, enclosed please
find materials in the subject regard

III. SELECTMEN'S BUSINESS

7. 670 MASSACHUSETTS AVE., DISPOSITION AGREEMENT

Enclosed please find materials in the subject regard

8. SELECTMEN'S REPORTS

Update on Committees and meetings attended

9. HISTORIC DISTRICT COMMISSION, COMMITTEE APPOINTMENTS FOR DISCUSSION

Enclosed please find materials in the subject regard

10. ALG DISCUSSION

No Materials Enclosed

11. WRAC DISCUSSION OF MISSION TO ADDRESS STORM WATER ISSUES AND MATERIALS PROVIDED BY THE HEALTH DIRECTOR

Enclosed please find materials in the subject regard

12. DRAFT AGENDA, SEWER POLICY WORKSHOP

Enclosed please find Materials in the subject regard

13. 40B, MARSH VIEW AND RICHARDSON CROSSING, REQUEST FOR BOARD LETTERS TO BOARD OF APPEALS

Enclosed please find materials in the subject regard

14. OTHER BUSINESS

IV. CONSENT AGENDA

15. ACCEPT MINUTES, BOARD OF SELECTMEN, JULY 27, 2009 SPECIAL MEETING

Enclosed please find materials in the subject regard

16. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$675.00 from AB Pop Warner to be used to fund "Pat Patriot" at Acton Day, for Board consideration

17. COMMITTEE APPOINTMENT, PAT CLIFFORD, FINANCE COMMITTEE REPRESENTATIVE, SOUTH ACTON TRAIN STATION ADVISORY COMMITTEE

No Materials Enclosed

18. COMMITTEE APPOINTMENT, LEIGH DAVIS-HONN, CURRENT ASSOCIATE TO REGULAR MEMBER OF THE PLANNING BOARD TO FILL UNEXPIRED TERM OF BRUCE REICHLEN, TERM TO EXPIRE 6/30/14

No materials enclosed

19. BOTTLE BILL- ADDITIONAL REQUEST AND SUPPORTING MATERIALS

Enclosed please find materials in the subject regard

20. ONE DAY LIQUOR LICENSE, LIONS CLUB, AT NARA PARK

Enclosed please find materials in the subject regard

**21. ONE DAY LIQUOR LICENSE, PATRIOT'S HILL RECREATION CLUB,
MUSKET DRIVE POOL/RECREATION AREA**

Enclosed please find materials in the subject regard

**22. REQUEST FOR A "TURKEY TROT" TO RUN THROUGH ACTON TO
BENEFIT THE ACTON FOOD PANTRY, NOVEMBER 27, 2009**

Enclosed please find materials in the subject regard

23. DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY

Enclosed please find a request in the subject regard

24. CONFIDENTIAL REQUEST, VARNUM TUTTLE TRUST FUND

Enclosed please find materials in the subject regard, for Board consideration

V. EXECUTIVE SESSION

There will be an Executive Session at 6:00 pm. for the purpose of discussing litigation and Union Negotiation discussion

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda.

SEPT.14 & 21 OCT. 5 & 19 NOV 2& 16

MINUTES PENDING VOTES

July 27 August 5 August 10

PENDING COMMITTEE APPOINTMENTS

Dore' Hunter - CPC, Application has been sent to VCC for interview

Ronald Rose – Historic District Commission, Design Review – his application has been sent to VCC for interview

David Baratt, has been interviewed and is in process of being reviewed by BOS liaison and HDC Chairman

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**September 14, 2009
Acton Town Hall
Francis Faulkner Hearing Room
7:00 P.M.**

Present: Paulina Knibbe, Peter Berry, Lauren Rosenzweig, Terra Friedrichs and Mike Gowing, Asst. Town Manager, Recording Secretary; Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

Barry Rosen asked about Grants to remove underground storage tanks that are available

CHAIRPERSON'S UPDATE

Charlotte Sagoff Memorial is now complete and dedicated to Ms. Sagoff outside the Acton Memorial Library

OPERATIONAL MINUTE

Assistant Town Manager noted that the Department Heads will be going to the Hill for FY11 Budget Process

PUBLIC HEARINGS & APPOINTMENTS

624 MAIN STREET, COMMON VICTUALLER LICENSE TO ACTON WOODS PLAZA, PO'S BARBECUE

Steve Graham outlined the intent to open a Barbecue at the Acton Woods Plaza in the store that was most recently a Bread and Sandwich establishment. Terra asked about the external and internal grease trap. Paulina asked about the common Victualler License and noted that it is important that we protect our quality of drinking water

Peter asked about the transfer process, Mr. Graham noted that they are seeking approval for transferring location of their All Alcoholic Beverages as a common Victualler to the new location at the corner of Main Street and Great Road.

Terra asked that we get the Water Districts comments on this application. It was noted that in the future, Water District will be added to the request for comments on Common Victualler Licenses.

Carol Holley, speaking as a private citizen noted that this location was part of a site plan in 1983 and had conditions attached to it to protect the ground water.

Richard Callendrella spoke on behalf of the Business, and that restaurants were noted to be a desired use in the community. Mr. Callendrella is a member of the Economic Development Committee in Acton.

Barry Rosen spoke about his written submission. He is not speaking as part of any committee he is on, he is speaking as a citizen. He was concerned about the grease trap and service plan. He also noted that zone one is 400 ft. from the Conant well head. Zone two extends through the plaza.

Doug Halley said the clients have been working with Doug noted this was a bakery/café restaurant before this use, first as Just Loafin' and then Country Harvest Bakery.

Doug said in regard to accepted uses at that and other locations, it had been reviewed by all major boards and it was decided that Restaurants were a permitted use in a zone 2 area.

Board of Health will keep the cleansers as clean as possible to protect the aquifer, but noted they are ultimately concerned that the dishes are clean and that the establishment follows all health codes. LAUREN ROSENZWEIG – Moved to close the Hearing. MICHAEL GOWING – second. UNANIMOUS VOTE. Staff was asked to check in to the Pendergast Site Plan conditions as well as any possible amendments.

624 MAIN STREET, TRANSFER OF FULL LIQUOR LICENSE LOCATION FROM 36 GREAT ROAD TO ACTON WOODS PLAZA, PO'S BARBECUE

Lauren said she reviewed the paper work and hoped they would continue their excellent record with regard to liquor service.

Terra wanted to confirm that we are transferring the License, and that we treat the liquor licenses as a strategic item.

MICHAEL GOWING – Moved to close the hearing. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE.

PAULINA KNIBBE – Moved to Grant the Common Victualler and liquor license contingent upon the applicant satisfying the Board of Health requirements for grease trap and Waste Water discharge as well as all relevant town bylaws. TERRA FRIEDRICHS – second UNANIMOUS VOTE.

SITE PLAN SPECIAL PERMIT, 7/21/09-422 107-115 GREAT ROAD, WETHERBEE PLAZA

Terra Friedrichs outlined the Special Permit. The remaining issues are the around the driveway opening distances which we could grant relief from the bylaw in this particular case.

Interior Driveway Issues

Pedestrian connection along interior driveways marking as opposed to a raised structure for walking.

Scott Mutch commented on the four items and noted that they are a judgment call for the Board

Scott mentioned a total of 33 parking spaces under 2003 zoning, 32 are shown on the site and there are really 31 spaces. Staff suggested the two spaces be added back,

Access driveway is a selectmen's call according to Scott.

Mark Donohoe, Engineer, spoke about the comment regarding a raised sidewalk with a curb, and he felt that they could be the same level in this situation either painted or a contrasting surface.

Scott noted that the tenant's continued use that will still need to be resolved.

Mike suggested a guardrail to separate the sidewalk from the driveway and Mark said it will impede plowing.

Terra spoke about marking the walking lane, they can do that all along the walk way. They want all bit concrete as it will last a longtime. Terra wanted to have it the paint color green, Mark said they can do that.

Lauren is concerned with pedestrian connectivity for Brabrook Road and wanted input from Planning and Conservation.

Peter had no comments

Paulina noted a wind turbine issue that was in the plan; she felt the residents in the area would not want a wind turbine.

Leo said that he would like it taken off the table for tonight. Allow him to address this later and he wants to use Bituminous Concrete vs. pavers.

Paulina would like to see a different material besides paint if there is no curb
Paulina asked about the number of parking spaces.

Terra recommended that the walking area be designated from vehicle areas. Mr. Donohoe agreed to mark a crosswalk at the entry point along Great Road to go across the driveway.

Terra spoke about the interior driveway to have it remain gravel instead of pavement. Mark said that he wanted pavement to control run off. She wants the driveway addressed in the decision. She could support the at grade if he uses pervious surfaces.

Franny Osman spoke about TAC comments and thinks we need connectively that would be of the same level in the winter. She noted that the sidewalk would be covered with a snow bank and that you would be losing that sidewalk and that it be a separate and agreement about plowing.

LAUREN ROSENZWEIG – Moved to close the hearing until individual issues can be addressed.
PETER BERRY – second. UNANIMOUS VOTE

Scott asked about the judgment issues. Terra: Access driveway she was ok, in favor of two way interior driveway to connect to car wash, Board walk build or feasible connection. She is in favor of walking easement, and to have staff come up with item to designate the walking trail.

Peter agreed, as well as Paulina but was concerned with the wind power use at Windmill site.

Terra wanted to know if he still would have gravel for the driveway. Scott said you need to pave it under the bylaw. Curb cut is allowed because of the unique situation of this location. Mass Highway built the sidewalk with larger driveway. Lauren requested that the Planning Department send Mass Highway our regulations regarding driveway size so this doesn't happen again.

Mike said he agreed that if connected by a path to Brabrook Road, it be easily plow able. He does not want to see an impact on the wetland.

Terra wanted to give the tenant a reasonable extension. Paulina said the board could look at that on the 5th.

TRANSPORTATION ADVISORY COMMITTEE – ANNUAL OVERSIGHT MEETING

Lauren introduced the TAC. They have been reviewing the site plans as they come to them. They spoke about the consultants comments regarding vans for COA owned by LRTA. Additionally we need to look at what we are charging and the use of these lots. They have submitted the Suburban Mobility Applications. Acton was awarded the funding in June of 09 and RFP's have been bid and will move forward with the awarding of these RFP's. They have had two data processing parties to compile survey data.

They need to develop financial plans for transportation. They would like to have funds available in the Town budget to move faster on grant opportunities.

They want the Boards guidance and assurances to attend a regional suburban transit meeting. TAC wants to send other people to the class. The Board of Selectmen should be urged to have David Sharfarz to get additional vans.

Install new meters at the rail station. It will give an incentive to use the shuttle.

Lauren wanted staff to look into the fee structure at the lot, we need to be competitive and improve revenue while keeping it affordable for residents.

Peter noted that Boxboro may be using a shuttle to get people to the train and supports a regional approach.

Paulina asked about MBTA assessment funds and are they used for capital or service, Franny said both.

Paulina wanted to have access to the Parking funds discussed at the budget meeting on the hill.

Staff and TAC to work to choose a meter system and to determine the cost of the meters. Jim Yarin asked to see if we need to wait to install the meters.

John Murray said we need to advertise the increase and that getting the meters is the easy part. Jim Yarin urged them to have a meeting as soon as possible. He said that he is affected by the lack of spaces.

Mike spoke about the meeting in October and the need to discuss this at this time.

Renee Robins spoke about the use of the train station and designated spots at Jones field being empty and urged the Board to not do the same thing at the main lot.

VOLUNTEER COORDINATING COMMITTEE – ANNUAL OVERSIGHT MEETING

Bonnie Geithner introduced the members of the Volunteer Board. This year has been very productive and organized. They have processed 27 people for committees. She said they got a lot of people from the League committee night, they got 8 solid applications. They are looking for another member for VCC. They have been advertising. They need to know about resignations and vacancies. She suggested that we put committee opportunities on the web site and start posting current openings. Bonnie asked about the Committee Volunteer handbook and wanted to give their input and support-- she felt it was a very helpful and useful.

TULIP TREE, ARLINGTON STREET

Paulina opened the meeting about the proposals that have come forward. Bruce Stamski spoke about the location of the street and the tree. He reviewed each solution that has been received. He continues to not support the alternatives presented. He feels we have two options, take down the tree or re-locate the road toward the Post Office. This involves re-aligning and re-grading the street and would have a cost of \$16-17,000. Other alternative is for the homeowner to relocate the sidewalk on their property.

Mike Klinger said we had several options to consider. He described his ideas as outlined in his e-mail to the Board.

Aiden Smith spoke about not getting feedback from the town on his idea. He said he is not convinced that this is a safety issue, and that his crosswalk plan is unsafe.

Renee Robbins spoke about minimum width of the street. Bruce noted it is a crowded street with a great deal activity.

Mike Gowing said that while looking at the location, witnessed a kid dumping his bike in front of him. The speed on the street-- he was not witness to speed. The buses have been using the service access road which helps with traffic. Safety issues are his concern.

Terra was concerned with the cross walk and backing out of the Post office, she says we can wait a year and look at it again.

Peter said that health and safety is the Board's purview and the issue raises both questions and is concerned about the safety issues here. Peter asked that the Police department to ticket the cars and vehicles parking on the sidewalk at the body shop.

Lauren is familiar with the traffic flow and issues, and wants to save trees, but the safety issue is important and felt that all possible alternatives have been reviewed; she feels it needs to be removed. She doesn't think the other solutions are possible.

Paulina said safety is an issue and we need to address this and how do we do address it. She thinks the safety trumps it for her

LAUREN ROSENZWEIG - Move that we schedule a date to remove the tree and replace it with a similar tree, unless the homeowner would be agreeable to the have the side walk be relocated to his property

PAULINA KNIBBE – second. 3- 2 Motion passes, Mike and Terra no

Terra expressed her disappointment in the vote.

ALG DISCUSSION

Paulina spoke about not needing a special town meeting and we need to adjust the revenues in the budget to be just the same as budgeted expenses. We will under spend the budget this year by not hiring approved positions, and holding off capital expenditures. These measures already have been put into place by the Town Manager. When added up they are even more restricted than the 3% recommended by the FinCom. We have set aside even more than 3%.

SELECTMEN'S REPORTS

Lauren noted the interview process she is using to put the Committee together to move forward on Spencer Tuttle area.

WRAC is off and running on the Storm Water

Comprehensive Community Plan, they are trying to narrow the scope to save money. How do they prioritize what areas of planning should receive consultant services? Much of the decision making will be determined by the data collected by the Outreach committee and the Outreach report. Most of the work will need to be done by volunteers and our in-house staff.

Lauren wants time on a future agenda to discuss and summarize the Acton Outreach with the Board.

Peter reported they cancelled the meeting of the Train Station Advisory Committee and moved it to September 24th

Health Insurance – They will be making decision on what percentages to fund for FY10

Terra spoke about EDC, they are ramping up quickly.

Commission on Disabilities will put the survey it in the census envelopes with conditions.

Terra spoke about presenting 2-3 locations to move forward for the Doll House relocation.

Mike spoke about the Senior Center flooring—everyone is very pleased with the improvements. There is a need for a representative to Minuteman Home services since our Representative has resigned

Mike spoke about Cable Committee.

Paulina noted that Sidewalk Committee will be in next week for their Oversight Meeting.

670 MASS AVE DISPOSITION AGREEMENT

Peter outlined the situation with regard to this home. PETER BERRY – Moved to authorize the signing of the Disposition agreement as presented by Town Counsel. LAUREN ROSENZWEIG – second. 4-1 Motion Passes, Terra Abstain

GREEN COMMUNITIES UPDATE

Paulina will put this on for the September 21st meeting

CLIMATE PROTECTION AGREEMENT, US CONFERENCE OF MAYORS

Paulina will sign off if the board wishes. Paulina will sign the agreement.

FRIENDS OF THE BRUCE FREEMAN RAIL TRAIL ELECTRONIC PETITION TO SUPPORT PHASE 2

PETER BERRY - Moved that we do everything possible to bring it forward. LAUREN ROSENZWEIG – second. 4-1 Terra, no. Motion passes. Terra would like to have a carbon impact review done on this project.

OTHER BUSINESS

None

CONSENT

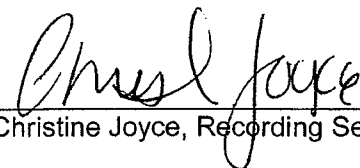
Terra held the minutes of August 5th for a correction regarding meeting of the 20th.


TERRA FRIEDDRICHS – Moved to approve #15 with corrections. MICHAEL GOWING – second. VOTE?

LAUREN ROSENZWEIG – Moved to approve the Agenda minus item #15, Board of Selectmen minutes of August 5th. MICHAEL GOWING– second UNANIMOUS VOTE.

EXECUTIVE SESSION

None Required


Christine Joyce, Recording Secty


Clerk
Date: October 19, 2009

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Hearing Room
September 14, 2009

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:05 CHAIRMAN'S UPDATE

The Chair will briefly update the Board on Topics of interest

2. 7:10 OPERATIONAL MINUTE

The Town Manager will provide a brief report on topics of interest

3. 7:25 ALCOHOLIC BEVERAGE REQUEST TO CHANGE OF LOCATION, HIGH POTENTIAL, 36 GREAT ROAD TO PO'S BARBECUE, LLC, 624 MAIN STREET, ACTON WOODS PLAZA, ISSUE: Transfer of Location, Full Liquor as a Common Victualler from Great Road to Main Street. Enclosed please find materials in the subject regard

4. 7:35 SITE PLAN SPECIAL PERMIT, 7/21/09-422, 107-115 GREAT ROAD, WETHERBEE PLAZA

ISSUE: Site Plan Special Permit Hearing. Enclosed please find materials in the subject regard

5. 7:55 COMPREHENSIVE COMMUNITY PLANNING ANNUAL OVERSIGHT MEETING

ISSUE: Annual Oversight Meeting

6. 7:50 DESIGN REVIEW BOARD ANNUAL OVERSIGHT MEETING

ISSUE: Annual Oversight Meeting

7. 8:15 TRANSPORTATION ADVISORY COMMITTEE (TAC) ANNUAL OVERSIGHT MEETING

ISSUE: Annual Oversight Meeting.

8. 8:30 VOLUNTEER COORDINATING (VCC) ANNUAL OVERSIGHT MEETING

ISSUE: Annual Oversight Meeting

9. 8:45 TULIP TREE ARLINGTON STREET

ISSUE: Tulip tree/sidewalk Review of potential resolutions

III. SELECTMEN'S BUSINESS

10. ALG DISCUSSION

Enclosed please find materials in the subject regard

11. SELECTMEN'S REPORTS

Update on Committees and meetings attended

12. OTHER BUSINESS

IV. CONSENT AGENDA

13. ACCEPT MINUTES, BOARD OF SELECTMEN

Enclosed please find materials in the subject regard, for Board consideration

V. EXECUTIVE SESSION

There will be need of an Executive Session which will be from 6:00 – 7:00 p.m. to discuss Collective Bargaining negotiations.

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda.

SEPT.14 & 21 OCT. 5 & 19 NOV 2& 16

MINUTES PENDING VOTES

July 27, August 5

PENDING COMMITTEE APPOINTMENTS

Dore' Hunter - CPC, Application has been sent to VCC for interview

Ronald Rose – Historic District Commission, Design Review – his application has been sent to VCC for interview

David Baratt, Application for Historical Commission has been forwarded to VCC for an interview

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING
September 21, 2009
Acton Town Hall
Francis Faulkner Hearing Room
7:00 P.M.

Executive Session – 6:30 P.m. Room 126

Present: Paulina Knibbe, Peter Berry, Lauren Rosenzweig, Terra Friedrichs Town Manager, Recording Secretary; Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

None

CHAIRPERSON'S UPDATE

None

OPERATIONAL MINUTE

Steve updated the Board on his attendance at the ICMA conference. He noted how well staff had presented what their needs are on the first day of "On the Hill". He feels that staff understands the situation. Lauren asked them to look at things that could be addressed with CPA Funds.

PUBLIC HEARINGS & APPOINTMENTS

H1N1 PRESENTATION BY DIRECTOR OF THE BOARD OF HEALTH AND NURSING SUPERVISOR

Doug and Merrily spoke about the program of education. They spoke about the volunteers that will help them and having a drive thru immunization at the Highway Department building.

Lauren noted that they had answered her questions.

Terra wanted to volunteer in non-medical status. She was concerned that someone might be forced into having to take the injection. Merrily said that it was not forced and they will not make anyone get it.

H1N1 is being covered under Federal Government and it is free. The seasonal Flu can be charged to Insurances or free if people cannot afford it. There is a fee to cover Health Department expenses.

495 WEST PARTNERSHIP BRIEFING

Lauren discussed her involvement with I-495 West Partnership Paul Matthews, Executive Director was in to update the Board and introduce the Annual Report.

Paul spoke about the formation of the group in 2003. The region was interested in promoting Economic Development and that attracting good businesses to the region was critical to the towns along the corridor in terms of jobs and good planning. They have been working with the private and public sector as it is needed in this environment. They don't focus in points of friction. They are looking at Water, Housing etc. They have been doing transportation committee research, with the Turnpike Director and they are looking forward to seeing him. They make sure the Regions projects don't get lost. He said that he sat on the Stimulus Board with 48 other people. 495 West pushed double tracking and transportation and in addition he has a Green Tool Kit to coordinate and help municipalities and they are on disk which makes revisions. They have representatives of environmental groups, municipal officials, business people, education, chambers of commerce and planners.

Paul noted the water use guides and they are on the web site and address how to deal with the water constraints in our region. They have commissioned an Annual Economic report to document the stats. He said they are happy to have support from municipalities and noted the committees do not have a firm schedule which makes it easier for people to volunteer.

Paulina thanked him and asked about Economic Development and asked him to do anything in the region to support the economic development. Peter noted he is involved with the State on the Train Station. He asked if the money disappeared from double tracking. Paul said that it would not have been affordable and it needs to be ready to go to get funding. Peter asked when the double tracking money will be released. Paul assured it would be in October. Peter asked about Littleton. For double tracking they would need to have a platform and the Town of Littleton's intention is to work with a nearby land owner to increase the parking.

Terra asked about representation. Lauren said one thing is double tracking and station improvements need to get together for design. We need to find out who the contact people are and how to know when the money is available. Terra wants to take care of Acton as opposed to Regional concerns. Terra asked when they would be talking with Acton's EDC. Paul said that they were set up to have communities get what the communities want.

Kate Chung on the Sidewalk Committee asked about installation of pedestrian gates and sidewalks at the railroad crossings. Paul said he didn't know about it, and suggested we contact MBTA and Fitchburg Line Working Group.

Terra asked them to give us a heads up when something is coming in.

SIDEWALK COMMITTEE ANNUAL OVERSIGHT MEETING

Kate Chung and the Sidewalk Committee were in for their Annual Oversight meeting. They presented a slide show on the activities over the past year. Kate discussed the completion of some of the sidewalk projects. Kate spoke about the Draft Sidewalk Design Guidelines.

Paulina commended them on the High Street land owner's cooperation. Two questions before them with regard to High Street do we go ahead with the survey. Staff has recommended that this could address some of the dangerous parts of High street. She asked how we want to proceed.

Peter noted the sidewalks are getting rave reviews and use. Peter asked about the Main Street end. Peter asked if the Sidewalk Committee had funds to build them. Alexan was to give us sidewalk monies. The money has not been received as they are in a stall mode. Peter noted that eminent domain is costly and emotional.

Terra noted the sidewalk design guidelines. She wanted to minimize the taking down of ancient trees. Terra asked if the Water Department was onboard with the Main Street sidewalk due to water zones. Paulina said that the Water District was ok with this.

Lauren noted that we need to have safe sidewalks for those like the elderly and those who walk and they must be maintained in the winter as much as possible.

Paulina felt we needed to start the survey because if we wait properties will change hands. She doesn't want to use Eminent Domain to solve this situation.

36 GREAT ROAD, COMMON VICTUALLER, SPICEPEPPER GARDEN

Hong An outlined his business plan and asked that he be granted a Common Victualler License
PAULINA KNIBBE – Moved to approve. TERRA FRIEDRICHS – second. UNANIMOUS VOTE

36 GREAT ROAD REQUEST FOR FULL LIQUOR LICENSE 36 GREAT, SPICEPEPPER GARDEN

Lauren asked about the Manager and liquor service. Terra addressed the number of licenses available and that this was business the type of business she wanted to come to Acton and have a liquor license available for the Board to Grant. PAULINA KNIBBE – Moved to approve of the Full Liquor License. TERRA FRIEDRICHS – second. UNANIMOUS VOTE

ALG DISCUSSION

Paulina spoke to the DOR guidelines.

Paulina spoke with School Committee Chair and they are looking to taking the delta out of overlay, this would be \$200,000 out of overlay account and is a change from the last ALG meeting.

Paulina noted Steve's successful savings options such as the dollar values from freezing hires, holding on Capital expenditures and minor items of saving for a cushion for FY10.

Steve spoke about the School Committee position and he will discuss with Steve Mills. They could work through this together and will be sitting down on Friday to discuss. He is concerned that the municipal budget approved in April that we have a number of side deals that are bourn in the municipal side. Steve said that some of the side deals made at ALG have changed. Lauren said while ALG is not binding, what was the reason for the change and can our overlay carry this?

Terra asked about administrative costs that we take care of this down stairs. She is in favor of prioritize what we have, and asked how we get to 97%, it was noted we have reached and we are above the 97%

Dore' spoke about Minuteman needing large sums of money in the form of an assessment. They want to do a million dollars of repairs in the first stage. Minuteman is in a favored position for outside monies.

Terra said we need to keep a running list of obligations that were coming up, and we don't want to get them all at once.

SELECTMEN'S REPORTS

Terra has nothing

Peter said Health Insurance Trust voted to recommend town and school being in the 10% percent.

TAC--Lauren reported on the Parking lot RFP's and the RFP's for Suburban Mobility Coordinator and Vendor Steve spoke about the pre-conference and two companies showed up for the first conference and noted that no one came forward for parking lots etc. Franny will be doing outreach. The bids will be in Friday the 25th.

Lauren spoke about the expanded parking lot OMR has put in back of their building. It was unknown if we could use a few spots for the shuttle.

GREEN COMMUNITIES UPDATE

Paulina noted that they are proceeding with the five items recommended by GAB. The executive summary lists the items to be addressed.

Lauren is in favor of asking the Planning Board to support the expedited permitting process in green communities act. She reminded the BOS that this is merely looking in to expediting the permitting process for Green energy manufacturing. It is different than the State's program to pre-permit areas of town where we might want new businesses to locate. That is a different program. The Green Communities wants a commitment from the Boards that they will issue a decision on a "Green" manufacturing site within a year's time. The Planning Board will need to look into how they might streamline the public process to ensure that all the necessary input and staff and board review could be completed in this time frame.

Steve was asked to have planning department discuss with their board.

Portfolio management we need to get going to have the back data in. TERRA FRIEDRICHS - Moved to send it in. PETER BERRY - second UNANIMOUS VOTE

AMENDMENT TO ELLSWORTH VILLAGE REGULATORY AGREEMENT

Lauren outlined the request to change in the Regulatory Agreement. Terra asked about a 120 day time limit before a unit goes back to market rate. LAUREN ROSENZWEIG – Moved to approve as outlined in the memo. PETER BERRY – second. UNANIMOUS VOTE

OLD HIGH SCHOOL COMMONS DEVELOPMENT

Lauren spoke to this item and Nancy Tavernier's Memo. The DHCD looks favorably on projects for which the town demonstrates a local investment. Their application has been re-submitted, and additional funds would help this project move up in priority to receive state funding in the form of tax credits. It would help in the rehabilitation of this historic building.

Terra spoke about the use of funds to buy units on Great Road; the number that could be helped would be more. Lauren noted that all the units will be affordable. If they don't get their funding we get our money back and still are available for other programs. ACHC will be commenting on this for our next meeting.

LAUREN ROSENZWEIG - Moved to approve an additional \$150,000 from the Pulte Housing Fund toward the Old High School Commons affordable housing development, pending ACHC Approval. PETER BERRY – second. Terra wanted them come in with buy down projects and encouraged them to look in to an anchor tenant for the Towne School. 3-1 Terra Abstain. Motion passes

JOINT MPO LETTER FROM ACTON, CONCORD AND LINCOLN IN SUPPORT OF CROSBY'S CORNER ROUTE 2 PROJECT

Lauren noted she has been participating in MAGIC and advocating for Acton's projects to be on the Regional Plan and on the TIP. Crosby's Corner is supported by all the MAGIC communities, and though expensive, is seen as a critical project to fund and complete due to accidents, dangerous merge, and traffic congestion.

It is supported by the neighboring towns, and that we write a joint letter noting our needs. Dore' Hunter spoke about the three towns that choose to form the CAC. He noted he has signed many of these letters as a Board of Selectmen member. He said we need to send the letter as he feels they deserve this support. He strongly recommended that the Board sign the letter.

PAULINA KNIBBE - Moved to sign the letter. LAUREN ROSENZWEIG - second.
UNANIMOUS VOTE

Lauren has volunteered to go to the Route 2 Corridor Advisory Committee meetings in the future and to have Dore' still attend. Lauren said that because of the discussion communication is key. Lauren will bring back to the Board to have us totally up to date, and get input from relevant Acton boards. She recommends a meeting with the Concord Selectmen involved and their Town Manager to improve communication. Lincoln should be informed of the meeting so they do not feel left out. Planning for Route 2 rotary will continue, but it is now on the list of illustrative projects on the Regional Transportation Plan, rather than in the plan itself. The recession has caused the MPO to re-look at the priorities. If funding improves, the Route 2 rotary could be put back in the plan. Review of these plans and the TIP list are done every year.

OTHER BUSINESS

None

CONSENT

PETER BERRY – Moved to approve the Agenda minus item #15, and #16 Board of Selectmen.
LAUREN ROSENZWEIG– second UNANIMOUS VOTE.

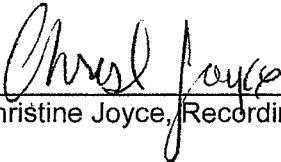
#15 GRACE Settlement– Terra asked to make sure we don't give up our right to sue for items that are not related to this agreement. And to include Dore' Hunter's appointment to CPC under Extra Information. LAUREN ROSENZWEIG - Moved to discuss Grace this at the next BOS meeting in October. PETER BERRY – second. UNANIMOUS VOTE


#16 Terra asked about the Spencer, Flint, Tuttle Drive Committee appointees. Lauren outlined her strategy in selecting two that wanted sewer and two that did not want. Lauren explained the background of the appointees.

PETER BERRY - Moved to vote #16. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

EXECUTIVE SESSION

6:30 P.M. – 7:00 PM -ROOM 126


Christine Joyce, Recording Secty


Clerk
Date: October 19, 2009

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Hearing Room
SEPTEMBER 21, 2009, 7:00 P.m.

EXECUTIVE SESSION, 6:30 P.M. ROOM 126

6:30 EXECUTIVE SESSION, TO DISCUSS UNION NEGOTIATIONS

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

- 1. 7:05 CHAIRMAN'S UPDATE**
The Chair will briefly update the Board on Topics of interest
- 2. 7:10 OPERATIONAL MINUTE**
The Town Manager will provide a brief report on topics of interest
- 3. 7:15 H1N1 PRESENTATION BY DIRECTOR OF PUBLIC HEALTH AND NURSING SUPERVISOR**
ISSUE: They will present an update on H1N1
- 4. 7:30 495/METRO WEST PARTNERSHIP BRIEFING**
ISSUE: Briefing of on-going Initiatives. Enclosed please find materials in the subject regard
- 5. 7:50 SIDEWALK COMMITTEE OVERSIGHT MEETING**
ISSUE: Annual Oversight Meeting
- 6. 8:30 COMMON VICTUALLER LICENSE, SPICEPEPPER GARDEN, 36 GREAT ROAD**
ISSUE: Request for Common Victualler License. Enclosed please find materials in the subject regard
- 7. 8:35 FULL LIQUOR LICENSE REQUEST AS COMMON VICTUALLER, SPICEPEPPER GARDEN, 36 GREAT ROAD**
ISSUE: Full Liquor License Request. Enclosed please find materials in the subject regard

III. SELECTMEN'S BUSINESS

- 8. FY10 UPDATE**
No Materials Enclosed
- 9. SELECTMEN'S REPORTS**
Update on Committees and meetings attended

10. GREEN COMMUNITIES UPDATE

Enclosed please find materials in the subject regard

11. AMENDMENT TO ELLSWORTH VILLAGE REGULATORY AGREEMENT

Enclosed please find materials in the subject regard

12. OLD HIGH SCHOOL COMMONS DEVELOPMENT

Enclosed please find materials

**13. JOINT MPO LETTER FROM ACTON, CONCORD AND LINCOLN,
CROSBY'S CORNER PROJECT**

Enclosed please find materials in the subject regard

14. OTHER BUSINESS

IV. CONSENT AGENDA

15. W.R. GRACE SETTLEMENT AGREEMENT

**16. CREATION OF THE SPENCER TUTTLE FLINT WASTE WATER
WORKING GROUP, COMMITTEE APPOINTMENT**

Enclosed please find materials in the subject regard

17. MMA'S STATE WIDE 6TH GRADE ESSAY CONTEST

Enclosed please find materials in the subject regard

**18. COMMITTEE APPOINTMENT, YANNI GOU, REGULAR MEMBER OF
THE ABCC, TERM TO EXPIRE 6/30/11 (TO FILL UNEXPIRED TERM OF
RACHEL LUCAS)**

Enclosed please find materials in the subject regard

V. EXECUTIVE SESSION

**THERE IS AN EXECUTIVE SESSION SCHEDULED FOR 6:30 P.M.,
ROOM 126**

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda.

OCT. 5 & 19 NOV 2 & 16

MINUTES PENDING VOTES

August 10, 24 and Sept. 14

PENDING COMMITTEE APPOINTMENTS

Dore' Hunter - CPC, Has been interviewed by VCC for Associate Position

Barbara Walsh – Cemetery Commissioner – Has been interviewed by VCC Applicant wants to review it more closely

Kimberly Montella - Planning Associate – has been interviewed by VCC

Yanni Gou –ABCC, has been interviewed by VCC for full member to fill unexpired term of Rachel Lucas to 6/30/11 (on consent 9/21/09)

Ronald Rose – Historic District Commission, Design Review – his application has been sent to VCC for interview

Matthew Liebman – WRAC – application has been sent to VCC for interview